

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SECOND DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 21059 of 2003

Between:

- 1 P.Veeraiah S/o. Veeraswamy
R/o. Doruvulapalem village, Muthukur Mandal,
Nellore Dist.
- 2 Parri Chenchiah S/o. Pitchaiah
R/o. Doruvulapalem village, Muthukur Mandal,
Nellore Dist.

..... PETITIONERS

AND

- 1 The District Collector, Nellore
- 2 The Mandal Revenue Officer Muthukur Mandal, Nellore Dist.
- 3 The Executive Engineer, Pollution Control Board,
A.K.Nagar, Nellore
- 4 Nasimandala Subrahmanyam S/o. Krishnaiah
R/o. Doruvulapalem village, Muthukur Mandal, Nellore Dist.
- 5 Nasimandala Rajeswaramma W/o. Subbaramaiah
R/o. Doruvulapalem village, Muthukur Mandal, Nellore Dist.
- 6 Pedipina Dasaiah S/o. Sesaiah
R/o. Doruvulapalem village, Muthukur Mandal, Nellore Dist.
- 7 P.Subbaiah S/o. Ramaiah,
R/o. Doruvulapalem village, Muthukur Mandal, Nellore Dist.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the

circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction or writ more particularly one in the nature of writ of mandamus declaring the inaction of the respondents 1 to 3 in preventing the respondents 4 to 7 from converting their agricultural lands to prawn culture situated in Epuru I A, Muthukur Mandal, Nellore District in patta No.137, Sy.No.986/2 for an extent of Ac.2.04 cents, 4 acres, Ac.2.75 cents and 1 acre and also Ac.1.73 cents in patta No.70 Sy.No.986/1 and 2 acres in patta No.70, Sy.No.986/1 owned by respondents 5 and 6, adjacent to the lands of the petitioners despite the representations followed up by latest representation dt. 20-9-2003, as illegal, arbitrary and in violation of Article 21 of the Constitution of India and the provisions of Board standing orders, A.P. Revenue laws Environment protection Act and consequently direct the respondents 1 to 3 to remove the ponds for prawn culture in the above said lands of respondents 4 to 7.

Counsel for the Petitioner:MR.M.VENKATA NARAYANA

Counsel for Respondents 1 and 2: Govt. Pleader for Revenue

Counsel for the Respondent No.3 : MR.S.V.Bhatt

Counsel for the Respondents 4 to 7: None appeared.

The Court made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

Though Rule was issued, no counter affidavit has been filed by the respondents in this writ petition.

The grievance of the petitioners is against respondents 4 to 7, who are

alleged to have started prawn culture in their fields, which is causing damage to the petitioners' adjoining property. As a matter of fact, in such like petition, the only direction which can be issued would be to direct respondents 1 and 2 to ensure that no prawn or acqua culture is permitted to be taken place whether it be by respondents 4 to 7 or by anybody else without due permission having been obtained before undertaking acqua culture. In case it is noticed that respondents 4 to 7 have not obtained any consent from the competent authority, respondents 1 and 2 will take immediate action to ensure that acqua culture is stopped and appropriate action is taken against the offending party. In case permission has already been obtained and the petitioners feel aggrieved, it will be for the petitioners to seek appropriate relief for redressal of their grievance claiming damages from respondents 4 to 7 by taking out appropriate proceedings in accordance with law in a civil court.

Respondents 1 and 2 to ensure due compliance with the orders of this court within two months from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of.

DEVINDER GUPTA, CJ

22-7-2004

C.V.RAMULU, J

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To

1. The District Collector, Nellore.
2. The Mandal Revenue Officer, Muthukur Mandal, Nellore District.
3. The Executive Engineer, Pollution Control Board, k A.K.Nagar, Nellore.
4. 2 CCs to the Govt. Pleader for Revenue, High Court Buildings,
Hyderabad (OUT).
5. 2 CD copies.